REMARKS

Claims 2-5, 7-10 and 12-17 are all the claims pending in the present application and stand rejected. Reconsideration and allowance of all pending claims are respectfully requested in view of the following remarks.

WITHDRAWAL FROM APPEAL.

While no mention was made in the 12/30/05 Office Action, the Office Action reopens prosecution of the instant application thereby withdrawing the application from the Appeal filed by Applicant on July 26, 2005. Accordingly, all previous rejections of record are deemed to be withdrawn and the Office Action now cites new grounds of rejection based on at least one new prior art reference discussed below.

CLAIM REJECTIONS.

35 U.S.C. § 103

Claims 2-5, 7-10 and 12-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over previously cited U.S. Patent 6,658,264 to Irvin in view of newly cited U.S. Patent 6,816,711 to Standke et al. (hereinafter "Standke"). Applicant respectfully traverses this rejection for the following reasons.

It is well established that a *prima facie* obviousness is only established when three basic criteria are met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991) (MPEP 2144).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary sill in the art. *In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990).

The Office Action cites Irwin as disclosing a switch (324 of Fig.3) to couple the first transceiver 372 to antenna 374. (Office Action pg. 2). Specifically, the Office Action alleges Irwin discloses switch 324 has an input node directly connected to the antenna 374 as claimed in Applicant's independent claim 7. Applicant respectfully disagrees and submits that there is no switch disclosed by Irwin which couples/decouples either first or second transceivers 372,340 to antennae 374 and certainly no switch which has an input node directly connected to antenna 374.

To the contrary, antenna 374 is plainly shown by Irwin to be permanently connected to first and second transceivers 372, 340 (see Fig. 3). Notwithstanding, Standke shows a switch 14 which is directly connected to antenna 12. As correctly noted by the Office Action, Irwin does not disclose a first switch is a micro-elecromechanical system (MEMS) switch and a field effect transistor (FET) coupled to the MEMS switch. Instead the Office Action cites col. 2, ll. 42-51 of Standke as disclosing this feature, alleging, "[i]t would have been obvious to one of ordinary skill in the art....to apply the technique of Standke to the communication system of Irwin *in order to integrate an internal radiotelephone antenna in a wireless communication device that can operate within multiple frequency bands*." (12/30/05 Office Action pg. 3; emphasis added).

Applicant respectfully submits that there is objective motivation to combine Standke with Irwin as proposed by the Office Action since Irwin already discloses an internal radiotelephone antenna 374 in a wireless communication device 300 that can operate within multiple frequency

bands (e.g., cellular and Bluetooth™). Since there is no proper motivation to combine the references as suggested, *prima facie* obviousness is not established and the §103 rejection should be withdrawn.

Furthermore, while the Office Action correctly notes that Standke discloses that antenna switch 14 could be implemented as a MEMS switch, FET, PIN diode or other switching technology, Standke does not teach or suggest the combination of a MEMS switch and FET as claimed in Applicant's independent claims. Accordingly, even assuming it would be proper to combine Irwin and Standke as proposed in the Office Action (*arguendo*), the resulting combination would still fail to teach or suggest *a field effect transistor coupled to a MEMS switch* as recited in Applicant's independent claims 7 and 10 or the remaining claims by virtue of their dependency thereon.

Because Irwin and Standke, taken alone or in combination, fail to teach or suggest all the limitations present in Applicant's claims, it is respectfully submitted that *prima facie* obviousness has not been established. In view of the foregoing, reconsideration and withdrawal of the §103 rejection of record is respectfully requested.

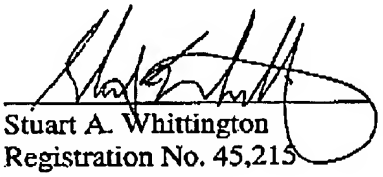
CONCLUSION.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE under 37 C.F.R. § 1.111
U.S. Appln. No. 10/039,461

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee or deficiency thereof, except for the Issue Fee, is to be charged to **Deposit Account # 50-0221**.

Respectfully submitted,



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